

REMARKS

Applicant respectfully asks for reconsideration of both this application and the Office Action dated June 17, 2004.

A response to that Office Action was due by September 17, 2004. Applicant therefore has attached a Petition for a two month extension of time. The Commissioner is hereby authorized to charge the associated small entity Petition fee of \$215 and the additional claim fees associated with the presentation of new claims 23-48 herein, along with any other fees deemed necessary to maintain the pendency of this application (including any fees under 35 U.S.C. §1.16 and §1.17), to the deposit account of the undersigned, Deposit Account No. 19-0733. Please consider this Amendment as timely filed.

Claim 1 is amended herein to incorporate the subject matter of claim 4, and claim 4 has accordingly been canceled. In addition, claims 5 and 6 each have been amended to depend from claim 1 rather than from canceled claim 4.

New claims 23-48 are presented. The subject matter of new claims 23-29 generally corresponds to the subject matter of claims 1-3, 5, and 7-9, as amended herein, respectively. The subject matter of new claims 30-37 then generally corresponds to the subject matter of claims 1-3 and 5-9, as amended herein, respectively. The subject matter of new claims 38-42 generally corresponds to the subject matter of claims 10 and 12-15, respectively, while the subject matter of new claims 43-48 generally corresponds to the subject matter of claims 10-15, respectively.

In the Office Action, claims 1-3, 8 and 9 were rejected under 35 U.S.C. §102(e) over U.S. Patent No. 6,148,405 to Liao et al. Applicant respectfully traverses this rejection, but courteously

points out that this rejection is now moot. As noted above, claim 1 is amended herein to incorporate the subject matter of claim 4. Applicant therefore asks that this rejection of claims 1-3, 8 and 9 be withdrawn. Further, Applicant respectfully submits that this rejection is not applicable to any of new claims 23-48.

Next claims 4-7 and 10-22 were rejected under 35 U.S.C. §103(a) over the Liao et al. patent in view of U.S. Patent Application No. 2002/0094085 A1 to Roberts. Applicant respectfully traverses this rejection, and asks for its reconsideration. Further, Applicant courteously submits that this rejection is not applicable to claims 1-3, 8 and 9, as amended herein, or to any of new claims 23-48.

Applicant first respectfully points out that a rejection under 35 U.S.C. 103(a) cannot properly be made based upon the Roberts patent application. The Roberts patent application was published on July 18, 2002, after Applicant's filing date of February 12, 2001. Accordingly, Applicant has treated the Roberts patent application as a document cited under 35 U.S.C. §102(e) rather than 35 U.S.C. §102(a).

In response to the rejection over the Roberts patent application, Applicant is concurrently submitting an affidavit under 37 C.F.R. §1.131. This affidavit provides Applicant's sworn statement and supporting evidence showing that the subject matter of claims 1-3 and 5-22, as amended herein, was invented before January 16, 2001, the filing date of the Roberts patent application. It is therefore submitted that the Roberts patent application is not a valid prior art reference against any of the claims pending in this application. Applicants therefore ask that the rejection of claims 4-7 and 10-22 be withdrawn. Also, it is again urged that the rejection of

claims 4-7 and 10-22 over the combination of the Liao et al. patent and the Roberts patent application is not applicable to claims 1-3, 8 and 9 as amended herein. Still further, Applicant respectfully submits that this rejection is not applicable to any of new claims 23-48 for the reasons set forth above, as the subject matter of these claims generally corresponds to the subject matter of claims 1-3 and 5-22 as amended herein.

In view of the above amendments and remarks, Applicants respectfully submit that all of the claims are allowable, and that this application is therefore in condition for allowance.

Applicants courteously ask for favorable action at the Examiner's earliest convenience.

Respectfully submitted,

BANNER & WITCOFF, LTD.

By: Thomas L. Evans
Thomas L. Evans, Reg. No. 35,805
1001 G Street, N.W., 11th Floor
Washington, D.C. 20001-4597
Telephone: (202) 824-3000
Facsimile: (202) 824-3001